

REMARKS AND DISCUSSION

Summary of the Examiner's Position

In the above-identified Office Action, claims 1-20 have been placed under a second restriction requirement under MPEP 803 and 35 U.S.C. 121.

Specifically, the Examiner has identified the following inventions:

- I. The species of Claims 1, 3, 4, 6, 8, 9, 11, 13, 14, and 16-20;
- II. The species of Claims 2, 7, and 12; and
- III. The species of Claims 5, 10, and 15.

The Examiner has required restriction to one of the identified species for examination.

Applicant respectfully traverses the restriction requirement in the above-identified Office Action, and requests reconsideration and withdrawal thereof. Applicant respectfully suggests that the claims are all drawn to related aspects of a single inventive concept, and should not be subject to restriction.

Even if the Examiner remains convinced that the claims are not all drawn to a single inventive concept, applicant respectfully suggests that all of the pending claims are drawn to closely associated inventions.

Moreover, applicant respectfully points out that MPEP section 803 states that

"if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicant respectfully suggests that the examination of the entire application would not place a serious burden on the Examiner.

Moreover, applicant notes that while the present application was filed on May 26, 2001, a date which is over four years prior to the present date, the only substantive actions taken on the application, to date, have been sequential restriction requirements. Applicant further submits that this substantial delay in examining the application has placed a significant burden on the applicant, and that further restriction of the claims would create an additional hardship. Therefore, it would be in the interest of fairness to examine all of the claims remaining in the application together.

Therefore, Applicant requests reconsideration and withdrawal of the Restriction Requirement.

However, notwithstanding the above, and in order to comply with Patent Office requirements, applicant elects, with traverse, the group identified by the Examiner as Invention I.

It is applicant's understanding and belief that Claims 16-33 are drawn to the elected species.

Other Matters

Applicant has canceled claims 1-15 by the present amendment, and has added new claims 21-33. Applicant respectfully submits that new independent claims 22 and 28 are each generic claims, which respectively include all of the limitations of the embodiment described by the Examiner as Group I in the restriction requirement. Because independent claims 22 and 28 are generic, as noted, and include a local image acquisition component, a distance image acquisition component, a characteristic point extraction component, and a reference characteristic point selection component, applicant suggests that all of claims 16-33 fall within the species described

by the Examiner as group I in the Restriction Requirement. Therefore, each of claims 16-33 falls within the elected species, and all of these claims should be examined together.

Conclusion

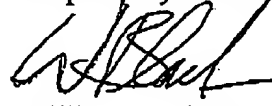
Applicant respectfully submits that the above amendments are fully supported by the original disclosure, including the drawings, specification, and claims. No new matter is being introduced by the present amendment. The claims are believed to be in condition for allowance, and a notice to that effect is earnestly solicited.

If the Examiner is not fully convinced of the patentability of each of the claims in the application, applicant encourages the Examiner to telephone applicant's representative at the number listed below, to expedite prosecution of the application.

Customer No. 21828
CARRIER, BLACKMAN & ASSOCIATES, P.C.
24101 Novi Road, Suite 100
Novi, Michigan 48375

October 3, 2005

Respectfully submitted,


William D. Blackman
Registration No. 32,397
(248) 344-4422

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to Examining Group 3636 of the United States Patent and Trademark Office on October 3, 2005, at the number (571) 273-8300.

